

Atty Ref. No: BC-0112-P04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: STEEL, Chad; et al.)
Serial No.: 09/940955)
Filed: 08/27/2001)
For: Extracorporeal Blood Processing Methods And Apparatus)
Group Art No: 3762)
Examiner: Bianco)

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GROUP 3700

United States Patent Office
Assistant Commissioner of Patents
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Group Art 3700 Fax No: 703-872-9302 on this date of

4/30/2003

Jeannie Woods

Response to Restriction Requirement

Sir:

In response to the Office Action mailed April 17, 2003, in which Applicant received a "Notice of Non-Responsive Amendment" Applicant provides the following response as follows:

Applicant attempted to contact Examiner by phone on April 24, 2003 and was unsuccessful. Accordingly, Applicant left a voice mail message indicating that Applicant in fact did respond to the January 10, 2003 Restriction Requirement by electing the claims of Group II, with traverse. Applicant is attaching a copy of the January 10, 2003 response with arrows pointing to the election made as evidence of their election. In view of the foregoing, Applicant respectfully request that the Examiner withdraw the Notice of Non-responsiveness.

It is believed no fee is due with the filing of this response. If Applicant is mistaken, please charge all required fees to Deposit Account number 032316.

4/30/03
Date

Respectfully submitted,

Edna M. O'Connor
Edna M. O'Connor (Reg. No: 29252)
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(303) 231-4132

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703-872-9302 on this date of 2/10/2003

Jeannie Woods
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Response to Restriction Requirement

Sir:

In response to the Office Action mailed January 10, 2003, Applicant provides the following response as follows:

In response to the Restriction Requirement, Applicant elects the claims of Group II, with traverse.

Remarks

In the Restriction Requirement mailed January 10, 2003 the Examiner required restriction of claims 1-26 to one of the following inventions:

Group I: claims 1-20, 24-26, drawn to a method for processing blood in an apheresis system wherein the system includes the limitation of a prompting or notifying step prompting an operator of a condition.

Any Ref. No: HC-0112-PW

Group II: claims 21-23, drawn to a method for processing blood in an apheresis system wherein the system includes the limitation of a prompting step wherein the operator performs the prompting step.

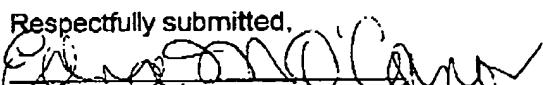
The Examiner in the Restriction Requirement asserts that the inventions have different modes of operation and therefore are distinct and require separate status in the art. Applicant believes both groups of claims are directed to a method of processing blood in an apheresis system and further are related to the presence of a first condition. As such, a single search and examination would not be burdensome on the Examiner. Applicant does not necessarily subscribe to the Examiner's description of the methods of the claimed invention as set forth in the Examiner's restriction in that the Examiner refers to inclusions in the system. The claims subject to the restriction requirement, are directed to a method having method steps.

In view of the foregoing remarks, restriction of the application is believed to be improper and withdrawal of the restriction requirement and examination of the claims of Group I and Group II together is respectfully requested.

It is believed no fee is due with the filing of this response. If Applicant is mistaken, please charge all required fees to Deposit Account number 032316.

2/10/03
Date

Respectfully submitted,


Edna M. O'Connor

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